

Notification of Non-Compliant Appeal Brief (37 CFR 41.37)	Application No. 10/633,137	Applicant(s) SHAH ET AL.	
	Examiner Andy S. Rao	Art Unit 2621	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

The Appeal Brief filed on 7/13/09 and 10/21/09 is defective for failure to comply with one or more provisions of 37 CFR 41.37.

To avoid dismissal of the appeal, applicant must file an amended brief or other appropriate correction (see MPEP 1205.03) within **ONE MONTH or THIRTY DAYS** from the mailing date of this Notification, whichever is longer.

EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136.

1. ☐ The brief does not contain the items required under 37 CFR 41.37(c), or the items are not under the proper heading or in the proper order.
2. ☐ The brief does not contain a statement of the status of all claims, (e.g., rejected, allowed, withdrawn, objected to, canceled), or does not identify the appealed claims (37 CFR 41.37(c)(1)(iii)).
3. ☐ At least one amendment has been filed subsequent to the final rejection, and the brief does not contain a statement of the status of each such amendment (37 CFR 41.37(c)(1)(iv)).
4. ☐ (a) The brief does not contain a concise explanation of the subject matter defined in each of the independent claims involved in the appeal, referring to the specification by page and line number and to the drawings, if any, by reference characters; and/or (b) the brief fails to: (1) identify, for each independent claim involved in the appeal and for each dependent claim argued separately, every means plus function and step plus function under 35 U.S.C. 112, sixth paragraph, and/or (2) set forth the structure, material, or acts described in the specification as corresponding to each claimed function with reference to the specification by page and line number, and to the drawings, if any, by reference characters (37 CFR 41.37(c)(1)(v)).
5. ☒ The brief does not contain a concise statement of each ground of rejection presented for review (37 CFR 41.37(c)(1)(vi)).
6. ☒ The brief does not present an argument under a separate heading for each ground of rejection on appeal (37 CFR 41.37(c)(1)(vii)).
7. ☐ The brief does not contain a correct copy of the appealed claims as an appendix thereto (37 CFR 41.37(c)(1)(viii)).
8. ☐ The brief does not contain copies of the evidence submitted under 37 CFR 1.130, 1.131, or 1.132 or of any other evidence entered by the examiner **and relied upon by appellant in the appeal**, along with a statement setting forth where in the record that evidence was entered by the examiner, as an appendix thereto (37 CFR 41.37(c)(1)(ix)).
9. ☐ The brief does not contain copies of the decisions rendered by a court or the Board in the proceeding identified in the Related Appeals and Interferences section of the brief as an appendix thereto (37 CFR 41.37(c)(1)(x)).
10. ☒ Other (including any explanation in support of the above items):

See Continuation Sheet.

Andy S. Rao
Primary Examiner
Art Unit: 2621

Continuation of 10. Other (including any explanation in support of the above items): Upon a review of the facts of the case prior the Examiner's submission of an Examiner Answer, the Examiner noted that the specific rejection of claims 21-24, 26, 29-30 rejected under 35 U.S.C. 103(a) as being anticipated by Gonzales et al., (hereinafter referred to as "Gonzales") in view of Iwata (US Patent: 6,870,883), as set forth in the Office Action of 4/14/08 (see page 9, section 4) had not been addressed by the Appellants. In particular, the Examiner notes that since the Final Rejection of 12/02/08 didn't repeat the rejection of claims 21-24, 26, 29-30 in answering the Appellants' arguments of the submission of 8/14/08, it would appear to the Examiner that the Appellants believed that only the grounds of rejection for review are the rejection against claims 1-4, 6, 9-24, 26, 29-34, 36, and 39-40 under 35 U.S.C. § 103(a) as obvious over U.S. Patent 5,231,484 to Gonzales et al. ("Gonzales") in view of U.S. Patent 6,360,017 to Chiu et al. ("Chiu"). However, the Examiner notes that the rejection against 21-24, 26, 29-30 remains in effect. Accordingly, since neither the "Grounds of Rejection..." section fails to specifically mention the rejection against claims 21-24, 26, 29-30, nor can the Examiner find any arguments directed thereto, the Examiner must hold that the Supplemental Briefs of 7/13/09 and 10/21/09 and the Appeal Brief of 5/4/09 defective. .